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OFFICE OF PETITIONS

In re Application of
Amy Rutkowski
Application No. 10/657,153
Filed: September 9, 2003
Attorney Docket No. 2535.110

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ON PETITION

This is a decision on the petition under 37 CFR 1.137(b), filed November 28, 2005 and supplemented on December 8, 2005, to revive the above-identified application.


The petition is **GRANTED**.

The above-identified application became abandoned for failure to reply in a timely manner to the final Office action mailed May 24, 2005, which set a shortened statutory period for reply of three (3) months. One-month extension of time under the provisions of 37 CFR 1.136(a) was obtained. Accordingly, the above-identified application became abandoned on September 25, 2005.

An extension of time under 37 CFR 1.136 must be filed prior to the expiration of the maximum extendable period for reply. See In re Application of S., 8 USPQ2d 1630, 1631 (Comm'r Pats. 1988). Accordingly, since the \$225 extension of time submitted on November 28, 2005 was subsequent to the maximum extendable period for reply, this fee is unnecessary and will be credited to petitioner's deposit account.

Telephone inquiries concerning this decision should be directed to Irvin Dingle at (571) 272-3210.

This matter is being referred to Technology Center AU 3673 for further processing.


Irvin Dingle
Petitions Examiner
Office of Petitions